

SUMMARY
Executive Business Meeting
Senate Judiciary Committee
226 Dirksen Senate Office Building
Thursday, March 6, 2003
9:30 a.m.

I. Nominations

Timothy M. Tymkovich to be U.S. Court of Appeals Judge for the Tenth Circuit

[Reported favorably by a vote of 10 yeas, 6 nays, 3 pass]

J. Daniel Breen to be U.S. District Judge for the Western District of Tennessee

Thomas A. Varlan to be U.S. District Judge for the Eastern District of Tennessee

William H. Steele to be U.S. District Judge for the Southern District of Alabama

Humberto S. Garcia to be U.S. Attorney for the district of Puerto Rico

Eugene James Corcoran to be U.S. Marshal for the Eastern District of New York

[Breen, Varlan, Steele, Garcia and Corcoran were reported favorably by unanimous consent.]

II. Committee Business

Committee Rules – **[Held over]**

Subcommittee Organization – **[Held over]**

III. Bills

S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. [Campbell/Leahy/Hatch/Grassley/DeWine/Kyl/Sessions/Craig/Corny/Graham/Feinstein/Schumer/Edward]

[Reported favorably without amendment by a vote of 18 yeas, 1 nay]

S. 113, a bill to exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.
[Kyl/Hatch/DeWine/Schumer/Chambliss]

[Reported favorably, as amended by an amendment in the nature of a substitute]

ATTENDANCE LIST

SENATE JUDICIARY COMMITTEE

DATE OF MARKUP: March 6, 2003

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	X
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	X
Mr. Kennedy	X
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	
Mr. Feingold	X
Mr. Schumer	X
Mr. Durbin	X
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion report favorably the nominations of J. Daniel Breen, Thomas A. Varlan, William H. Steele and Humberto S. Garcia.

**REPORTED FAVORABLY BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	X
Mr. Kennedy	X
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	X
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to table a Kennedy amendment to S. 253 that would clarify that the bill does not interfere with the ability of State and local law enforcement agencies from regulating the conditions under which their officers may carry firearms.

[Approved by a vote of 16 yeas, 3 nays]

YEAS	NAYS	
X		Mr. Grassley
P		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
	X	Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
P		Mrs. Feinstein
	P	Mr. Feingold
P		Mr. Schumer
	X	Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
16	3	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to table a Kennedy amendment to S. 253 that would expand the definition of armor piercing ammunition and to require the Attorney General to promulgate standards for the uniform testing of projectiles against body armor.

[Approved by a vote of 10 yeas, 6 nays, 3 passes]

YEAS	NAYS	
X		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
-----	-----	Mr. DeWine*
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
	X	Mr. Kennedy
-----	-----	Mr. Biden*
	P	Mr. Kohl
-----	-----	Mrs. Feinstein*
	P	Mr. Feingold
	P	Mr. Schumer
	X	Mr. Durbin
	P	Mr. Edwards
X		Mr. Chairman
10	6	TOTAL

***Pass Votes – Feinstein and Biden voted pass by proxy.**

Note: Senator Edwards changed his vote from pass to no by proxy.

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to table a Kennedy amendment to S. 253 that would allow States to opt out of the provisions of this Act.

[Approved by a vote of 15 yeas, 4 nays]

YEAS	NAYS	
X		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
P		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
	X	Mr. Kennedy
P		Mr. Biden
	P	Mr. Kohl
P		Mrs. Feinstein
	P	Mr. Feingold
P		Mr. Schumer
	X	Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
15	4	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to table a Kennedy amendment to S. 253 that would clarify that the bill does not supersede State or local laws that prohibit or restrict the possession of concealed firearms in various public places.

[Approved by a vote of 14 yeas, 4 nays, one pass]

YEAS	NAYS	
X		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
-----	-----	Mr. DeWine*
X		Mr. Sessions
X		Mr. Graham
P		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
	X	Mr. Kennedy
P		Mr. Biden
	P	Mr. Kohl
P		Mrs. Feinstein
	P	Mr. Feingold
P		Mr. Schumer
	X	Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
14	4	TOTAL

***Pass Vote**

Note: Senator. Edwards changed his vote from pass to aye by proxy.

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to report S. 253 without amendment.

[Reported favorably by a vote of 18 yeas, 1 nay]

YEAS	NAYS	
X		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
P		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
	X	Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
P		Mrs. Feinstein
P		Mr. Feingold
P		Mr. Schumer
X		Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
18	1	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to report favorably the nomination of Timothy M. Tymkovich to be U.S. Court of Appeals Judge for the Tenth Circuit.

[Reported favorably by a vote of 10 yeas, 6 nays, 3 passes]

YEAS	NAYS	
X		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
P		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
	P	Mr. Leahy
	X	Mr. Kennedy
-----	-----	Mr. Biden*
-----	-----	Mr. Kohl*
	P	Mrs. Feinstein
	P	Mr. Feingold
-----	-----	Mr. Schumer*
	X	Mr. Durbin
	P	Mr. Edwards
X		Mr. Chairman
10	6	TOTAL

***Pass by proxy.**

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion report favorably the nomination of Eugene James Corcoran to be U.S. Marshal

for the Eastern District of New York.

**REPORTED FAVORABLY BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	X
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	
Mr. Kennedy	X
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	X
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion approve a Kyl/Schumer/Biden substitute amendment to S. 113.

APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	X
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	
Mr. Kennedy	X
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	X
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion on a Feingold amendment to S. 113 to permit discovery by the defendant under the procedures outlined in the Classified Information Procedures Act of 1980 in cases brought based

on evidence obtained using warrants authorized under the Foreign Intelligence Surveillance Act of 1978.

[Defeated by a vote of 11 nays, 4 yeas, 4 passes]

YEAS	NAYS	
	X	Mr. Grassley
	P	Mr. Specter
	X	Mr. Kyl
	X	Mr. DeWine
	X	Mr. Sessions
	X	Mr. Graham
	X	Mr. Craig
	X	Mr. Chambliss
	X	Mr. Cornyn
P		Mr. Leahy
P		Mr. Kennedy
-----	-----	Mr. Biden*
-----	-----	Mr. Kohl*
-----	-----	Mrs. Feinstein*
X		Mr. Feingold
	X	Mr. Schumer
P		Mr. Durbin
-----	-----	Mr. Edwards*
	X	Mr. Chairman
4	11	TOTAL

*Pass votes by proxy.

SENATE JUDICIARY COMMITTEE

DATE: March 6, 2003

VOTE ON: Motion to report S. 113 as amended by an amendment in the nature of a substitute.

[Reported favorably by a vote of 19 yeas, 0 nays]

YEAS	NAYS	
X		Mr. Grassley
P		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
P		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
P		Mr. Leahy
P		Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
P		Mrs. Feinstein
X		Mr. Feingold
X		Mr. Schumer
P		Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
19	0	TOTAL